

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 UNITED STATES OF AMERICA,

5 Plaintiff,

DOCKET NO. 1:20-cr-183

6 vs.

7 BARRY GORDON CROFT, JR.,

8 Defendant.

9 _____/

10
11 TRANSCRIPT OF ARRAIGNMENT, INITIAL PRETRIAL
12 CONFERENCE, DETENTION HEARING, AND HEARING ON DEFENDANT'S

13 MOTION FOR IMMEDIATE RELEASE

14 BEFORE UNITED STATES MAGISTRATE JUDGE SALLY J. BERENS

15 GRAND RAPIDS, MICHIGAN

16 January 13, 2021

17
18 Court Reporter: Glenda Trexler
19 Official Court Reporter
20 United States District Court
21 685 Federal Building
22 110 Michigan Street, N.W.
23 Grand Rapids, Michigan 49503

24 Proceedings reported by audio recording, transcript produced by
25 computer-aided transcription.

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12 * * * * *

13 Grand Rapids, Michigan

14 January 13, 2021

15 4:04 p.m.

16 P R O C E E D I N G S

17 *THE COURT:* Good afternoon. This is the date and time
18 set for a number of hearings. An arraignment and initial
19 pretrial conference as well as a bond hearing and a hearing on
20 the defendant's motion for immediate release.

21 Let's start with appearances and introductions.

22 *MR. KESSLER:* Good afternoon, Your Honor, Nils Kessler
23 for the United States.

24 *THE COURT:* Good afternoon.

25 *MR. BLANCHARD:* Good afternoon, Your Honor,

1 Josh Blanchard on behalf of Mr. Croft who is seated to my
2 right.

3 *THE COURT:* Good afternoon to you, Mr. Blanchard.
4 Good afternoon to you, Mr. Croft.

5 *THE DEFENDANT:* Good afternoon, ma'am.

6 *THE COURT:* All right. As you just heard me say,
7 Mr. Croft, there are a number of hearings that we're going to
8 take up today. The first of those will be an arraignment at
9 which I'm going to apprise you of what you've been charged with
10 and what the penalties could be for that. And at the end of
11 that you'll be able to enter a plea.

12 There will also be an initial pretrial conference
13 which is a very brief proceeding at which the parties can raise
14 any discovery issues that have come up so far or that they
15 foresee in the future.

16 In addition, we will have a bond hearing and hearing
17 on your motion for immediate release.

18 As an initial matter, I believe this is the first
19 hearing since the enactment of Rule 5(f) at which both counsel
20 have been present, so we will issue a written Rule 5(f) order,
21 and I incorporate that order as an oral order as well.

22 All right. Mr. Croft, how far did you get in school?

23 *THE DEFENDANT:* I graduated high school.

24 *THE COURT:* All right. So able to read, write, and
25 understand English just fine?

1 *THE DEFENDANT:* Yes, ma'am.

2 *THE COURT:* All right. Anything bothering you today
3 physically or mentally that would make it difficult for you to
4 understand what's happening in court?

5 *THE DEFENDANT:* No, ma'am.

6 *THE COURT:* All right. Have you taken any
7 medications, other drugs, or alcohol in the last 24 hours?

8 *THE DEFENDANT:* I have not, ma'am.

9 *THE COURT:* All right. You have the right to remain
10 silent, and anything you do say could be used against you. You
11 also have the right to have an attorney with you throughout
12 these proceedings.

13 Mr. Blanchard was conditionally appointed to represent
14 you. Are you asking that I appoint him for the remainder of
15 the term of your proceedings here?

16 *THE DEFENDANT:* Yes, ma'am.

17 *THE COURT:* Okay. And did you provide the information
18 that was used to fill out this financial affidavit?

19 *THE DEFENDANT:* I did, ma'am.

20 *THE COURT:* Is all that information true and correct?

21 *THE DEFENDANT:* Yes, ma'am.

22 *THE COURT:* And is that your signature at the bottom?

23 *THE DEFENDANT:* Yes, ma'am.

24 *THE COURT:* All right. I find that you do qualify for
25 appointed counsel and Mr. Blanchard will be continued as your

1 appointed attorney.

2 Mr. Blanchard, has he had an opportunity to sign
3 the -- to review and sign the Advice of Rights form?

4 *MR. BLANCHARD:* Yes, Your Honor.

5 *THE COURT:* All right. So before this hearing,
6 Mr. Croft, you were given a form that sets out your
7 constitutional rights in this matter. Did you read and
8 understand that form before you signed it?

9 *THE DEFENDANT:* Yes, ma'am, I did.

10 *THE COURT:* Have you also had an opportunity,
11 Mr. Croft, to review the Indictment with your counsel?

12 *THE DEFENDANT:* Yes, ma'am, I have.

13 *THE COURT:* All right. You are charged with one count
14 of a kidnapping conspiracy, and what is charged here is that
15 from about June 6th of 2020 through October 7th of 2020, here
16 in the Western District of Michigan and elsewhere, that you and
17 a number of other people willingly and knowingly combined,
18 conspired to violate 18 U.S.C. § 1201(a). Specifically that
19 you conspired to kidnap the governor of the State of Michigan.

20 I don't want you to say anything about the charge, but
21 do you understand what you're being charged with?

22 *THE DEFENDANT:* Yes, ma'am.

23 *THE COURT:* Okay. The maximum penalties for that
24 crime if you were convicted would include incarceration up to
25 your lifetime, a fine of up to \$250,000, supervised release of

1 not more than five years, and a special assessment of a hundred
2 dollars.

3 Do you understand what the penalties could be?

4 *THE DEFENDANT:* Yes, ma'am.

5 *THE COURT:* There is also a forfeiture allegation in
6 the Indictment. That is not a separate charge, rather it is
7 the government's way of putting you on notice that it intends
8 to seize any firearms and ammunition involved in the commission
9 of the offense.

10 Do you understand the concept of a forfeiture
11 allegation?

12 *THE DEFENDANT:* Yes, ma'am.

13 *THE COURT:* Very well. There are four ways that you
14 can plead. You could plead not guilty, you could plead guilty.
15 With the approval of the district court judge, in this case
16 Judge Jonker, and the United States Attorney's Office, you
17 could enter a plea of no contest. Or you could stand mute in
18 which case a not-guilty plea would be entered on your behalf.

19 Mr. Blanchard, how does he plead?

20 *MR. BLANCHARD:* I would ask the Court to enter a
21 not-guilty plea.

22 *THE COURT:* Very well, a not-guilty plea will be
23 entered.

24 That concludes the arraignment and brings us to the
25 initial pretrial conference.

1 Mr. Kessler, is your Initial Pretrial Conference
2 Summary Statement in order?

3 *MR. KESSLER:* Yes, Your Honor.

4 *THE COURT:* All right. Mr. Blanchard, any questions
5 for Mr. Kessler?

6 *MR. BLANCHARD:* Not at this time.

7 *THE COURT:* All right. And, Mr. Kessler, anything
8 else that you're aware of that we need to raise today?

9 *MR. KESSLER:* I don't think so today, Your Honor.
10 Thank you.

11 *THE COURT:* All right. Mr. Blanchard, anything else
12 from you?

13 *MR. BLANCHARD:* Not today.

14 *THE COURT:* All right. As I said, Mr. Croft, it's
15 generally a pretty brief proceeding.

16 That brings us to the question of the defendant's
17 bond. However, it probably makes sense to address the
18 defendant's motion at this point as well.

19 Do the parties wish to add anything in terms of
20 argument related to that motion?

21 *MR. BLANCHARD:* No. I mean, I think the motion is
22 kind of going to be mooted by, you know, whatever happens on
23 the bond, so . . .

24 *THE COURT:* All right. Mr. Kessler, anything else?

25 *MR. KESSLER:* I agree, Your Honor.

1 *THE COURT:* All right. Well, the motion deals with
2 the immediate release because of the failure to transport. Now
3 that Mr. Croft is here, that is mooted to some degree in any
4 case.

5 I do want to put some facts on the record because
6 there is a requirement that a motion under that provision,
7 specifically 18 U.S.C. 3145(b), occur promptly. And I want to
8 just put on the record, in addition to the facts that the
9 government has proffered, some additional information in terms
10 of the steps that the Court took to bring Mr. Croft to the
11 district.

12 Even in advance of the Indictment in this case and
13 certainly in advance of the defendant's motion, the
14 U.S. Marshal Service had apprised the Court that there was an
15 issue with transferring Mr. Croft from FDC Philadelphia.
16 Specifically a large outbreak of coronavirus infections have
17 resulted in the lockdown of a number of units in that facility,
18 including -- reported to us anyway -- one or more in which
19 Mr. Croft was housed.

20 The Court has been attempting to secure Mr. Croft's
21 appearance for an arraignment and bond hearing either by video
22 from Philadelphia or in person since, as I said, before the
23 defendant's motion was filed. I'm not going to detail the
24 extent of the Court's efforts to provide a hearing, but they
25 have been diligent and substantial.

1 My staff made repeated inquiries, as I said, even in
2 advance of Mr. Croft's motion to FDC Philadelphia to arrange a
3 video arraignment. We made efforts also through the District
4 of Delaware which assisted our attempts to arrange a video
5 arraignment. At one point we were informed that Mr. Croft's
6 unit was quarantined which prevented his access apparently to
7 video conference facilities.

8 I'm not in a position to assess those representations,
9 but they did frustrate the Court's ability to secure
10 Mr. Croft's appearance for an arraignment and a bond hearing
11 and a hearing on the defendant's motion until today.

12 The first date that we were able to schedule Mr. Croft
13 to appear by video was actually tomorrow. And if, however, his
14 unit was at that point on quarantine, we had no guarantee that
15 he would be produced for that video hearing.

16 Ultimately the United States Marshal Service in this
17 district undertook special efforts to transport Mr. Croft to
18 this district yesterday, and that is why he is present today.

19 I think I do have to give a substantive response to
20 the motion, so I'll do that really briefly today. Mr. Croft
21 cited no authority for the proposition that release from
22 pretrial detention is an authorized remedy for pre-indictment
23 delay in transporting him from the district of arrest.
24 Certainly that delay cannot be indefinite and the concerns
25 raised in the motion are well taken. I am sympathetic to those

1 concerns. But the provision that Mr. Croft cited,
2 Section 3161, yields that the excludability of transportation
3 delays from the requirement that the defendant be brought to
4 trial within 70 days of indictment or appearance in the
5 charging district, whichever occurs later. So that presumption
6 is not controlling here.

7 Moreover, as the government noted in its brief and
8 cited at least one case, the extraordinary challenges presented
9 by the COVID-19 pandemic in this context have been acknowledged
10 by the courts. While the pandemic cannot be an excuse for a
11 failure of diligence, I do not have a record before me that
12 suggests that the U.S. Marshal Service was not diligent in its
13 efforts to secure Mr. Croft's appearance in the district.
14 Indeed, as I said, deputies in this district took unusual
15 measures to transport him this week.

16 And given that Mr. Croft is now present in the
17 district and the government's motion for detention will be
18 heard today, his motion for revocation of the detention order
19 in the District of Delaware or for an order securing his
20 appearance within the district is denied.

21 So that brings us to the government's motion for
22 detention. Mr. Kessler, how would you like to proceed?

23 **MR. KESSLER:** We're ready, Your Honor, if the
24 defendant would like to run the hearing.

25 **MR. BLANCHARD:** Yes, Your Honor.

1 THE COURT: All right. Very well.

2 MR. KESSLER: The government calls
3 Special Agent Richard Trask.

4 MR. BLANCHARD: And I'm sorry, can I use my
5 electronics?

6 THE COURT: Absolutely.

7 MR. BLANCHARD: Thank you.

8 MR. KESSLER: Just for purposes of making it easier
9 for the court reporter, shall I leave the mask on, or which is
10 the Court's preference?

11 THE COURT: You know, I can hear you just fine. So if
12 you're comfortable in it, that's fine. You're kind of far away
13 from everybody else, so if you're having difficulty, that's
14 okay too.

15 MR. KESSLER: If I start passing out, I'll take it
16 off.

17 THE COURT: That would be great.

18 THE CLERK: Please raise your right hand.

19 RICHARD J. TRASK, II

20 *(The oath was administered)*

21 THE WITNESS: I do.

22 THE CLERK: Please take a seat and state your -- and
23 spell your name for the record.

24 THE WITNESS: Special Agent Richard J. Trask, II,
25 T-R-A-S-K.

DIRECT EXAMINATION OF RICHARD J. TRASK, II

12

1 *MR. KESSLER:* And, Your Honor, I'm going to turn on
2 the sound on my computer now which I've had off so we can play
3 some recordings here.

4 Before we get started, Your Honor, I have a couple of
5 exhibits that I'm going to hand the Court, unless you are --
6 you already have them, Your Honor?

7 *THE COURT:* I believe I have Government Exhibits --
8 Proposed Exhibits 1, 2 --

9 *MR. KESSLER:* There's a video.

10 *THE COURT:* -- 3, I believe.

11 *MR. KESSLER:* Yes, Your Honor. There's a video and
12 some audio recordings that we'll be showing you through the
13 computer. The physical pictures here are actually just
14 pictures of what you're also going to see on the screen. And
15 the transcript that we have here, a couple of these recordings
16 are fairly quiet because they are undercover recordings that
17 were taken from inside someone's pocket, for example. We did
18 test it out before we came on the record here today, and I
19 think with this transcript they should be understandable.

20 *THE COURT:* All right.

21 DIRECT EXAMINATION

22 *BY MR. KESSLER:*

23 Q. So good afternoon, Agent Trask.

24 A. Good afternoon.

25 Q. Now, you're a special agent with the FBI in the Kalamazoo

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 resident agency, correct?

2 A. That's correct.

3 Q. How long have you been employed there?

4 A. Approximately 10 years almost.

5 Q. Okay. And you're one of the primary assigned case agents
6 on the kidnapping conspiracy that we're here for today?

7 A. That's correct.

8 Q. You testified in the preliminary examinations and detention
9 hearings for the other defendants back in October, right?

10 A. I did.

11 Q. And you've had a chance to review the Indictment that's
12 been returned by the grand jury since then?

13 A. Yes, I have.

14 Q. All right. Fair to say that's an accurate summary of what
15 you testified to back in October?

16 A. Yes, it is.

17 Q. Okay. Let's just hit a couple of high points that involve
18 Mr. Croft since he's the only one that we're here on today.

19 I want to go back to the beginning of the conspiracy noted
20 in the Indictment. It says that the conspiracy began on
21 June 6th. What happened on June 6th briefly?

22 A. That was a meeting of like-minded individuals that took
23 place in Ohio.

24 Q. When you say like-minded individuals, what kind of people
25 are we talking about?

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 A. Militia members or militia-affiliated members from Delaware
2 and Michigan amongst other states at that time.

3 Q. What were they meeting there to discuss?

4 A. They were discussing the plans to potentially move forward
5 on how they were going to deal with kind of the frustrations of
6 the lockdown and other orders going on to include kidnapping
7 governors or attacks on other individuals at MSP stations and
8 whatnot.

9 Q. All right. So they weren't there to just talk about like
10 protesting or anything, they had more concrete plans in mind?

11 A. That's correct.

12 Q. And how did the FBI know about what happened at that
13 meeting?

14 A. We had a confidential human source who was in that meeting
15 and provided that information back to us.

16 Q. And you have recordings of some of what went on there,
17 right?

18 A. That's correct.

19 Q. Okay. Let's talk specifically about Mr. Croft. What was
20 his role among the people who attended that meeting?

21 A. In the view of the people that attended the meeting, at the
22 time he was seen as the de facto leader of the group or kind of
23 the co-- the main person.

24 Q. Okay. Was he the leader of anything else as far as you are
25 aware from your investigation?

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 A. He was aware -- the leader of the Three Percenters at the
2 time.

3 Q. Okay. He held himself out at as the leader of the
4 Three Percenters?

5 A. That's correct.

6 Q. Can you briefly tell the Court what the Three Percenters
7 are?

8 A. The Three Percenters are a smaller sect of the militia that
9 is more intent on actually committing more aggressive acts or
10 doing more outward acts as opposed to just training in the
11 typical militia-type situations.

12 Q. All right. Would you characterize them as militia violent
13 extremists?

14 A. Yes.

15 Q. Okay. And I noted in the Presentence -- or the
16 Pretrial Services Report that Mr. Croft denied belonging to any
17 militia groups. Does the Three Percenters have a particular
18 logo that is always associated with them?

19 A. Yes, they do.

20 Q. What does it look like?

21 A. I believe he has a tattoo from what I saw on his hand, and
22 it is three Roman numerals with several stars around it.

23 MR. KESSLER: And Mr. Croft -- with the Court's
24 permission, I would ask Mr. Croft to hold up his left hand for
25 the Court to observe.

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 *THE COURT:* Thank you.

2 *Q.* (*BY MR. KESSLER*) So that's what you -- I'm going to --
3 just for the record, it's a Roman numeral III surrounded by
4 stars. That's the same logo that you saw on his hand?

5 *A.* That's correct.

6 *Q.* Did you see that on anybody who was part of the assault on
7 the Capitol last week?

8 *A.* Yes, we did.

9 *Q.* The Three Percenters were a --

10 *MR. BLANCHARD:* I'm going to object to the relevance
11 of stuff that happened at the Capitol last week. My client has
12 been in custody for three months.

13 *MR. KESSLER:* I'm not suggesting that he was part of
14 it, but he is clearly part of and has held himself out as a
15 national leader of a militant violent extremist group and he's
16 asking to be released from custody, so the fact that he's a
17 leader of a group that assaulted the Capitol last week should
18 have some bearing on whether it's a good idea to let him out.

19 *THE COURT:* This is a bond hearing. There's a lot of
20 latitude. How much weight I give to it ultimately is a
21 different question. But I'll allow it.

22 *MR. KESSLER:* Thank you, Your Honor.

23 *Q.* (*BY MR. KESSLER*) So let me show you Government Exhibit 1
24 for identification. This is a photograph of Barry Croft,
25 correct?

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 A. That's correct.

2 Q. Okay. And what's he holding up there?

3 A. He's holding a Boogaloo flag.

4 Q. Now, when you say it's a Boogaloo flag, for the record
5 again, it appears to be a blue flag with what looks like some
6 floral patterns on it?

7 A. That's right.

8 Q. What's the association -- first off, what is the Boogaloo?

9 A. Boogaloo is a movement that is essentially looking at the
10 overthrow of the government and establishing their own. Their
11 own government or their own people in place.

12 Q. Are they interested in fomenting a second civil war?

13 A. Yes.

14 Q. So why would the floral patterns or the Hawaiian patterns
15 be associated with the Boogaloo movement?

16 A. It had to do with -- at the time something with the luaus
17 out of Hawaii and because the luau kind of sounded like a
18 Boogaloo, they ended up going with the Hawaiian pattern as
19 their name. Or as their representation for their movement.

20 Q. Okay. So they went from Boogaloo to Big Luau --

21 A. Yes.

22 Q. -- hence the Hawaiian motifs?

23 A. Yes.

24 Q. And the flag also has what looks like a semiautomatic rifle
25 on the flag?

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 A. That's correct.

2 Q. It looks like he has another tattoo that says "We the
3 People"; is that correct? On his forearm?

4 A. I believe so. I can't see that picture.

5 Q. I'll see if I can blow that up.

6 A. That's correct.

7 Q. Okay. And the three-cornered hat?

8 A. The three-cornered hat is symbolic of, if you go back in
9 the history, of kind of leadership or commanders of continental
10 armies and such.

11 Q. All right. And the Three Percenter thing, they hold
12 themselves out -- what was the myth? Like only three percent
13 of the colonists fought the British or something?

14 A. I believe -- I'm not a hundred percent sure, but I believe
15 it's something along those lines.

16 Q. Okay. Are most of the people involved with this particular
17 movement, the Boogaloo and the Three Percenters, also weapons
18 enthusiasts?

19 A. They are.

20 MR. KESSLER: First let me offer Exhibit 1 into
21 evidence.

22 THE COURT: Any objection?

23 MR. BLANCHARD: No.

24 Q. (BY MR. KESSLER) I'm going to show you now Exhibit 2 for
25 identification. Is that also Barry Croft?

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 A. That is.

2 Q. What type of weapon are we looking at that he's holding
3 here?

4 A. It appears to be a semiauto shotgun.

5 Q. And anything interesting -- anything unusual about the end
6 of the barrel there?

7 A. I'm not sure if that is an addition to it or if that is a
8 self-manufacture, but it appears to be sharpening the points at
9 the end with the implication that you could potentially stab or
10 use that as another means of aggression forward.

11 Q. So not a lot of normal sporting purposes for having
12 sharpened prongs on the end of your barrel?

13 A. No, there are not.

14 Q. And he seems to be dressed in paramilitary gear with a lot
15 of ammunition clips on it?

16 A. That's correct.

17 Q. Let's go back to Dublin, Ohio, which was that meeting on
18 June 6th. The meeting of militia members. You said they
19 discussed the need to overthrow the government and kidnap
20 governors?

21 A. That's correct.

22 Q. Did Mr. Croft on those recordings that you've listened to
23 actually talk about kidnapping governors himself?

24 A. Yes, he did.

25 Q. Did he discuss blowing things up and committing terroristic

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 acts?

2 A. Yes, he did.

3 Q. Let me tell you what we've marked --

4 MR. KESSLER: First off let me offer Exhibit 2 for
5 identification.

6 THE COURT: You mean for admission?

7 MR. KESSLER: For admission.

8 THE COURT: Any objection?

9 MR. BLANCHARD: I'll leave it to the Court.

10 THE COURT: And I don't believe I've ever said it
11 either, but both Government Exhibits 1 and 2 are admitted.

12 MR. KESSLER: Thank you, Your Honor.

13 Q. (BY MR. KESSLER) I'm going to play now
14 Government Exhibit 3 for identification, and everybody I think
15 has the transcript there to be able to follow along hopefully.

16 THE COURT: I do.

17 Do you have a copy of the transcript, Mr. Blanchard?

18 MR. BLANCHARD: I do.

19 Q. (BY MR. KESSLER) So this is a recording of Mr. Croft
20 talking to the group in Dublin, correct?

21 A. That's correct.

22 (Audio playing)

23 Q. And you've listened to these recordings. There's a fair
24 amount of that type of religious talk in here?

25 A. Yes.

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 Q. Mr. Croft is saying he's been granted permission by God to
2 commit murder, correct?

3 A. That's correct.

4 MR. KESSLER: I would offer Exhibit 3 into evidence,
5 Your Honor.

6 THE COURT: Any objection?

7 MR. BLANCHARD: We're talking about the audio or the
8 transcript or both?

9 MR. KESSLER: The audio. The transcript is just to
10 help everyone here.

11 MR. BLANCHARD: Well, I'll leave it to the Court.

12 THE COURT: It's admitted.

13 MR. KESSLER: Thank you, Your Honor.

14 Q. (BY MR. KESSLER) I'll now play Exhibit 4. It's a
15 recording from the same meeting, correct?

16 A. Yes.

17 (Audio playing)

18 MR. KESSLER: All right. I'll now offer 4 into
19 evidence, Your Honor.

20 THE COURT: Any objection?

21 MR. BLANCHARD: I'll leave it to the Court's
22 discretion.

23 THE COURT: Admitted.

24 Q. (BY MR. KESSLER) And a little later this separate
25 recording from the same meeting, Exhibit 5?

DIRECT EXAMINATION OF RICHARD J. TRASK, II

22

1 A. That's correct.

2 (Audio playing)

3 MR. KESSLER: I'll now offer Exhibit 6 into evidence,
4 Your Honor.

5 THE COURT: I'm sorry, was that 5 or --

6 MR. KESSLER: I'm sorry, it was 5. You're right.

7 THE COURT: It's admitted.

8 Any objection?

9 MR. BLANCHARD: No.

10 THE COURT: It's admitted.

11 Q. (BY MR. KESSLER) All right. So we've heard some of the
12 recordings from that meeting, Agent Trask. Is it fair to say
13 that they discussed going back to their home states after that?

14 A. They did.

15 Q. What did they discuss at this meeting about what every
16 attendee at the meeting was supposed to do after they got back
17 to their home states?

18 A. After they went back they were supposed to recruit people
19 for the plan to kidnap and kill governors and to assist with
20 the overthrow and then have that built group and come back and
21 bring it together as a whole.

22 Q. And we've heard some evidence about what Mr. Fox and the
23 other defendants did here in Michigan. Mr. Croft was in
24 Delaware, right? He lived in Delaware, correct?

25 A. That's correct.

1 Q. Did he talk about a willingness to travel to other states
2 to train and commit these kind of acts?

3 A. Yes, he did.

4 Q. Okay. And let's talk about one he actually did that. Did
5 he travel to Wisconsin and Michigan to train with the other
6 coconspirators?

7 A. Yes, he did.

8 Q. Let's focus your attention on July 11th and 12th. Did the
9 group meet in a town called Cambria, Wisconsin?

10 A. That's correct.

11 Q. What was the purpose of them meeting there?

12 A. For training. They were doing weapons training amongst
13 other various skill training.

14 Q. Okay. Now, when you say -- let's talk about the skills
15 that they were training for.

16 A. Okay.

17 Q. Besides just practicing like shooting at targets, did they
18 construct something called a shoot house or a kill house?

19 A. Yes, they did.

20 Q. Can you describe what that is and what the purpose of it
21 was?

22 A. A shoot house is set up to simulate rooms that allows for
23 breaching doorways, for tactics going into the room, clearing
24 rooms, identifying individuals to include shoot/no shoot
25 targets or to remove certain individuals or whatnot from these

1 rooms.

2 Q. All right. And from listening to the undercover recordings
3 up to this point they had been talking about assaulting the
4 Capitol, correct?

5 A. That's correct.

6 Q. And then later kind of morphed that into trying to kidnap
7 the governor from her residence?

8 A. That's correct.

9 Q. Okay. So this type of training was training for that?

10 A. Yes.

11 Q. Okay. You mentioned other skills training. Did they also
12 do medical training?

13 A. Yes, they did.

14 Q. What was the purpose of that?

15 A. Medical training for caring for their members should
16 they -- anybody be shot or injured during the actual operation.

17 Q. So this wasn't things like learning how to deal with, you
18 know, a sore throat or something like that, right?

19 A. No.

20 Q. It was for dealing with combat injuries?

21 A. That -- that's correct.

22 Q. Things like putting tourniquets on a shot limb or whatever?

23 A. Yes.

24 Q. Okay. Let me show you Exhibit 6 which is a video recording
25 from the training session. And who is in this video?

1 A. Mr. Croft and another individual.

2 Q. Okay.

3 (Video playing)

4 Let me point out a couple of things from the video and ask
5 you about them just for the record. The three-cornered hat,
6 that's the same one we see Mr. Croft wearing in the earlier
7 picture?

8 A. Yes, it appears to be.

9 Q. And you recognize that rifle too, correct?

10 A. That's correct.

11 Q. And we're going to come back to that in a moment, but is
12 that rifle in FBI custody at this point?

13 A. Yes, it is.

14 Q. Okay. And we know that's his rifle because he gave it to a
15 confidential human source, correct?

16 A. That's correct.

17 Q. All right. Now, we saw him shooting from behind a barrel
18 and then running to another barrel and shooting and running to
19 another one. What would be the purpose of that kind of drill?

20 A. In law enforcement we would use those type of drills for
21 movement -- moving from positions so we're not staying in the
22 same spot or to address different threats at different
23 locations.

24 Q. So this would be a combat drill basically?

25 A. That's correct.

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 Q. Learning how to take cover while people are shooting back
2 at you?

3 A. That's correct.

4 Q. And that's what they anticipated running into if they tried
5 to storm the Capitol or kidnap the governor, right?

6 A. Yes.

7 Q. Okay. Besides bringing this rifle did Mr. Croft bring
8 anything else that was noteworthy to the training session in
9 Cambria, Wisconsin?

10 A. Yes. He brought an IED or improvised explosive device.

11 Q. What was that made from?

12 A. Made from multiple materials to include shrapnel and other
13 readily available items.

14 Q. What is the purpose of shrapnel?

15 A. Shrapnel is to project out from the explosion and create as
16 much damage or peripheral damage from the explosion site.

17 Q. So it's an antipersonnel device, correct?

18 A. That's correct.

19 Q. All right. And he's the one who brought it and constructed
20 it at the meeting?

21 A. Yes.

22 MR. KESSLER: I would offer Exhibit 6 into evidence,
23 Your Honor.

24 THE COURT: Any objection?

25 MR. BLANCHARD: No objection.

1 *THE COURT:* It's admitted.

2 *Q.* (BY MR. KESSLER) And they also discuss -- Mr. Croft
3 actually was recorded at that meeting as well, right? Talking
4 about plans to --

5 *A.* That's correct.

6 *Q.* -- conduct their kidnapping?

7 *A.* Yes.

8 *Q.* Okay. I think I'm going to turn the volume down a little
9 bit because this one is a little clearer recording. I'm going
10 to play for you one of those recordings which is Exhibit 7 for
11 identification.

12 *(Audio playing)*

13 *MR. KESSLER:* I now offer Exhibit 7 into evidence,
14 Your Honor.

15 *THE COURT:* Any objection?

16 *MR. BLANCHARD:* No.

17 *THE COURT:* It's admitted.

18 *Q.* (BY MR. KESSLER) All right. So we've covered that
19 Mr. Croft traveled from his home to Wisconsin to train with
20 these other defendants. Did he also come back to Michigan on
21 the weekend of September 12th through the 13th?

22 *A.* That's correct.

23 *Q.* And that was to Luther, Michigan?

24 *A.* Yes.

25 *Q.* And what was the purpose of that trip?

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 A. The same -- similar purpose as the Cambria trip. It was
2 for more further training and planning for operations.

3 Q. And where did that take place in Michigan?

4 A. It was in Luther, Michigan, at Ty Garbin's property.

5 Q. Okay. And Ty Garbin is one of the other indicted
6 defendants?

7 A. That's correct.

8 Q. Did they also set up a kill house to train on that land?

9 A. Yes, they did.

10 Q. Okay. Did Mr. Croft bring an improvised explosive device
11 to that meeting?

12 A. Yes, he did.

13 Q. And how did it differ from the one that he used in
14 Wisconsin?

15 A. The first one in Wisconsin didn't necessarily detonate the
16 way it was supposed to. The second one in Luther, they had set
17 up silhouettes of personnel or personnel-looking silhouettes
18 around the area, detonated it with shrapnel, and assessed where
19 that shrapnel hit those silhouettes.

20 Q. And FBI actually executed a search at Ty Garbin's property
21 in Luther back on October 7th, correct?

22 A. That's correct.

23 Q. And you actually saw the remnants of that explosion?

24 A. Yes, sir.

25 Q. So you actually were able to see the human silhouette

1 targets around that bomb?

2 A. That's correct.

3 Q. Did it also use -- incorporate shrapnel to harm human
4 beings?

5 A. That's correct.

6 Q. And you mentioned that this one actually did detonate. Did
7 the FBI go and interview people who lived in the area?

8 A. They did.

9 Q. What did those folks say?

10 A. Neighbors had heard an explosion-type noise but they did
11 not report it at the time.

12 Q. Okay. Now, at this training in Luther, Michigan, did they
13 also discuss the plan to kidnap Governor Whitmer?

14 A. Yes, they did.

15 Q. All right. And you've listened to recordings from that as
16 well, correct?

17 A. Yes, I have.

18 Q. And Mr. Croft is on those?

19 A. Yes.

20 Q. They are very, very quiet, right? I'm not going to try and
21 do these ones here, but you've had a chance to listen to them?

22 A. Yes, that's correct.

23 Q. All right. I just want -- there's quite a few -- there's
24 hours of it, but I just want to focus on a couple of key
25 things.

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 Well, first before we even talk about that, did they talk
2 about going to do a nighttime surveillance of the governor's
3 house?

4 A. Yes, they did.

5 Q. And we've talked about this at the preliminary examination,
6 but just to focus on Mr. Croft, did he participate in that
7 surveillance?

8 A. Yes, he did.

9 Q. And he was in one of the three cars that went up to check
10 out her house at night, correct?

11 A. That's correct.

12 Q. All right. And who else was in the car with him?

13 A. Adam Fox and an individual working with the FBI.

14 Q. So that was an undercover FBI agent? I'm sorry about the
15 confusion, Your Honor.

16 MR. BLANCHARD: I'm sorry, I just couldn't hear that
17 last name.

18 THE WITNESS: An undercover agent for the FBI.

19 Q. (BY MR. KESSLER) Now, before they went up there and
20 before they met in Luther they had discussed taking down a
21 bridge, correct?

22 A. That's correct.

23 Q. All right. And what would be the purpose of taking down
24 the bridge near the governor's vacation home?

25 A. It was meant to slow law enforcement response to the

1 residence.

2 Q. All right. And Mr. Croft was, you mentioned, in a car with
3 Adam Fox and an FBI agent. And what was the FBI -- what had
4 the FBI agent been introduced as to this group?

5 A. He was an explosive expert.

6 Q. All right. So the three of them went up there. And did
7 they do anything on the way up to the governor's house?

8 A. They stopped at one of the bridges that led to the
9 governor's residence and actually went under the bridge to
10 assess where they could put explosives to take down that
11 bridge.

12 Q. Okay. Let me bring up Exhibit 8 for identification. This
13 is the only one that we saw last time as well.

14 So this is part of an encrypted chat that was -- that all
15 the conspirators were on, correct?

16 A. That's correct.

17 Q. All right. Well, maybe not all. I'm not sure if Mr. Croft
18 was on it. But it said -- the name of the person at the top,
19 it says "Alpha Fuck You." Who is that?

20 A. That's Adam Fox.

21 Q. Okay. And what is this photograph that he's sending to the
22 rest of the group?

23 A. That is a photograph from under the bridge where the
24 support beams for the bridge itself are.

25 Q. Okay. And Mr. Croft was with them when they stopped to go

1 look under there?

2 A. That's correct.

3 Q. And the purpose of it was to look under there to do what?

4 A. To determine placement of explosives to take down that
5 bridge.

6 Q. Now, while they were on the way up there did Mr. Croft say
7 anything to the other people in the car about needing to take a
8 nap?

9 A. Yes, Mr. Croft referenced taking a nap with believing that
10 he needed to be ready for later, referencing later in the
11 evening.

12 Q. And based on what he told the undercover agent and
13 Adam Fox, what did he think he needed to be ready for?

14 A. Mr. Croft believed that they were actually doing the actual
15 operational action that evening or that night of kidnapping the
16 governor or taking her residence.

17 Q. So he was ready to take her that night?

18 A. That's correct.

19 Q. All right. Who, if anybody, had to talk him down?

20 A. At the time Adam Fox was -- we were reported that Adam Fox
21 had to talk him down and explain that they weren't doing it or
22 they weren't ready tonight.

23 MR. KESSLER: All right. I offer Exhibit 8 into
24 evidence, Your Honor.

25 THE COURT: Any objection?

1 MR. BLANCHARD: Yeah, I don't see the relevance. They
2 have not established that my client has ever seen this, was a
3 party to it. I think the testimony was he probably wasn't.
4 And so I'm not sure what the relevance is.

5 THE COURT: Well, it appears the relevance is just the
6 picture of the bridge and it's corroboration of the other
7 testimony. It's a detention hearing, the Rules of Evidence
8 don't actually apply, so I'm going to overrule the objection
9 and admit Exhibit 8.

10 MR. KESSLER: And I'll just clarify that for the
11 record, Your Honor.

12 Q. (BY MR. KESSLER) Let's just make sure we understand where
13 this came from. So you testified that Barry Croft and Adam Fox
14 stopped at a bridge on the way up to the governor's house to
15 look for a place to plant explosives, correct?

16 A. That's correct.

17 Q. And then Adam Fox sent a picture of what they were looking
18 at to the other members of the conspiracy?

19 A. That's correct.

20 Q. And that's this picture?

21 A. That's correct.

22 Q. Okay.

23 THE COURT: And, Mr. Blanchard, I do note that the
24 special agent did testify that he did not believe Mr. Croft was
25 on this text message exchange.

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1 MR. KESSLER: Correct. Correct.

2 Q. (BY MR. KESSLER) All right. So afterwards we were just
3 talking about the fact that they had some conversations about
4 what their plans were when they got back. The ones that were
5 very quiet.

6 A. That's correct.

7 Q. So did they ever talk about Governor Whitmer having a
8 security detail that they would need to deal with?

9 A. Yes, they did.

10 Q. What was the nature of that discussion?

11 A. Dealing with how many they would have to deal with
12 potentially on her detail and then further discussing if the
13 presidency had changed hands and Biden became -- came in
14 office, Governor Whitmer had a chance of potentially being on a
15 cabinet. At that point her detail could increase substantially
16 and would be a harder target.

17 Q. So they talked about her getting upgraded to Secret Service
18 protection or something like that?

19 A. That's correct.

20 Q. Okay. Did these individuals, including Mr. Croft,
21 specifically talk about what they expected to face with the
22 Secret Service detail?

23 A. Yes, they did.

24 Q. So you heard Ty Garbin talking about what would happen
25 if -- what he's seen working at the airport when protectees

1 would come into the airport, correct?

2 A. That's correct.

3 Q. And then after that did Mr. Croft talk about seeing
4 Secret Service details on the road as a truck driver?

5 A. Yes, Mr. Croft explained that he was a truck driver and he
6 had passed numerous Secret Service details and then went on to
7 describe a scenario where he had purposefully run some off the
8 road with the excuse of "I didn't see it" or whatnot while he
9 was driving.

10 Q. And we don't know if that actually happened or if he was
11 just bragging, but he said it?

12 A. That's correct.

13 Q. Okay. Did Mr. Croft specifically talk about how many
14 people he had seen in each car that they would need to be ready
15 for?

16 A. I don't recall that off the top of my head.

17 Q. Okay. He talked a little bit about what he had seen and
18 expected to find with them, correct?

19 A. That's correct.

20 Q. So what did he say they would need to do in order to
21 distract or stop the governor's security detail?

22 A. So they understood that they would need to end up killing
23 them or at that point they would need to disable vehicles or
24 plant explosives to delay the response.

25 Q. Did he talk about using IEDs against them?

DIRECT EXAMINATION OF RICHARD J. TRASK, II

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1 A. He did.

2 Q. Did he talk about using incendiaries against them?

3 A. Yes, he did.

4 Q. And at one point did he talk about wanting to use a
5 particular weapon against the convoy?

6 A. Yeah, he mentioned a 37, which would be used -- it's an
7 undermount launcher that would be used to essentially take out
8 the lead vehicle to slow the response.

9 Q. Okay. Now, when he says a 37, I'm going to -- first off, I
10 think we already did Exhibit 8.

11 Let me bring up Exhibit 9. Let me see if I can turn this
12 in the right direction. There we go.

13 Okay. Is this the rifle that we saw Mr. Croft using during
14 the training in Cambria, Wisconsin?

15 A. Yes.

16 Q. All right. And you mentioned that a 37 would be referring
17 to an undermount launcher. Can you see the little arrow here?
18 Is that what we're talking about here?

19 A. Yes, it is.

20 Q. What is that?

21 A. That is a 37-millimeter undermount launcher.

22 Q. That's a projectile launcher?

23 A. Yes.

24 Q. He talk about in the recording putting it on the lead
25 vehicle, so this would be something they would launch at the

1 governor's protection detail?

2 A. That's correct.

3 Q. Did he say in the recording that's why he had left this
4 with the group?

5 A. Yeah, he gave it to the CHS and left it with him to train
6 on and get used to.

7 Q. I just want to point out a couple other features of this
8 gun. What's this I'm focusing on here at the end of the
9 barrel?

10 A. It's a silencer.

11 Q. Is it legal to possess a silencer without registering it
12 with the ATF?

13 A. Not without registration, no.

14 Q. And this gun is at ATF right now for official examination,
15 correct?

16 A. That's correct.

17 Q. And it appears to be a fairly short weapon. Is it also
18 illegal to possess a short-barreled rifle without registration?

19 A. That is correct.

20 Q. Are you aware of Mr. Croft having this gun or the silencer
21 registered anywhere?

22 A. I have not seen any paperwork that suggests he's registered
23 either.

24 *MR. KESSLER:* Okay. I have nothing further,
25 Your Honor.

CROSS-EXAMINATION OF RICHARD J. TRASK, II

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1 *THE COURT:* All right. Mr. Blanchard.

2 *MR. BLANCHARD:* Thank you, Your Honor.

3 *MR. KESSLER:* I'll offer Exhibit 9 into evidence

4 Your Honor.

5 *THE COURT:* Any objection?

6 *MR. BLANCHARD:* No, Your Honor.

7 *THE COURT:* It's admitted.

8 CROSS-EXAMINATION

9 *BY MR. BLANCHARD:*

10 Q. Good afternoon.

11 A. Good afternoon.

12 Q. So I understand there was an event in Dublin, Ohio,
13 correct?

14 A. That's correct.

15 Q. And that was an event where people got together, right?

16 A. Correct.

17 Q. From multiple states?

18 A. Yes.

19 Q. To talk?

20 A. Correct.

21 Q. Without government?

22 A. Correct.

23 Q. And they wanted to, you know, follow the Bill of Rights,
24 correct?

25 A. I'm not understanding your question.

1 Q. They expressed that they wanted a government that would
2 follow the Bill of Rights. That was one of their topics,
3 right?

4 A. That was, yes.

5 Q. And there were more than six people at this meeting, right?

6 A. Correct.

7 Q. There were people from a dozen or more states, right?

8 A. I don't know about if it was a dozen or more, but there
9 were several states, yes.

10 Q. How many people were at the meeting?

11 A. I don't have the exact number offhand.

12 Q. Were there more than 10?

13 A. I believe so, but, again, I don't know the exact number.

14 Q. And this meeting was attended by a person from Wisconsin,
15 correct?

16 A. That's correct.

17 Q. And it was attended by confidential human sources, correct?

18 A. Correct.

19 Q. There were no undercover agents at this meeting?

20 A. No, there were not.

21 Q. Okay. In fact, this meeting in Dublin was organized by a
22 person from Wisconsin, correct?

23 A. I'm not sure offhand who organized the exact meeting.

24 Q. They rented a hotel room?

25 A. There were hotel rooms rented, yes.

1 Q. And there was a conference room rented, correct?

2 A. I'm not sure on that.

3 Q. Okay. Do you know who paid for the conference room in
4 Dublin, Ohio?

5 A. I do not.

6 Q. Or the hotel in Dublin, Ohio?

7 A. I do not.

8 Q. Okay. Do you know if a confidential source rented any
9 rooms in Ohio?

10 MR. KESSLER: I don't mean to just be jumping up for
11 no reason, Your Honor, but this seems to be just a discovery
12 mission here. I don't know what who paid for the hotel would
13 have to do with whether or not he's a flight risk or a risk of
14 danger to the community.

15 MR. BLANCHARD: So I think the picture it paints here,
16 I think that the government is funding this meeting and
17 inviting people into this meeting where they are then saying
18 "Well, people talked about things." But the government is the
19 driving force behind it. So when we talk about -- I think
20 that's relevant to the weight of the evidence, right? And
21 that's a relevant bond consideration.

22 THE COURT: We haven't yet elicited any evidence that
23 the government did fund anything, so I'll give you a little bit
24 of latitude here.

25 MR. BLANCHARD: Thank you.

CROSS-EXAMINATION OF RICHARD J. TRASK, II

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1 *THE COURT:* But I'd ask you to keep it, you know --

2 *MR. BLANCHARD:* Thank you.

3 *Q.* *(BY MR. BLANCHARD)* You're familiar with someone named
4 Confidential Human Source 1, correct?

5 *A.* Yes.

6 *Q.* And that person is referenced in the Criminal Complaint,
7 correct?

8 *A.* That's correct.

9 *Q.* And that person is from Wisconsin, correct?

10 *A.* I would have to look at the numbers. I have not looked at
11 the Complaint.

12 *Q.* Steve Robeson is a confidential human source, correct?

13 *MR. KESSLER:* Your Honor, totally not relevant.

14 *MR. BLANCHARD:* Well, I think Steve Robeson is at this
15 meeting, and based on my piecing together of the discovery,
16 he's the person who is driving this and inviting people and
17 funding it. And I think if I'm right by piecing the discovery
18 together -- because they, you know, don't make it particularly
19 clear -- they paid him quite a lot of money. And they noted
20 that in the Criminal Complaint. Whoever CHS-1 is, I believe.

21 *THE COURT:* I don't believe identification is
22 necessary to your argument today --

23 *MR. BLANCHARD:* Very well.

24 *THE COURT:* -- and so I think it's enough to say he's
25 a confidential human source.

CROSS-EXAMINATION OF RICHARD J. TRASK, II

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1 Q. (BY MR. BLANCHARD) So Confidential Human Source 1 is
2 somebody who is paid money by the FBI, correct?

3 A. There was funds paid, yes.

4 Q. And that person was present at the Dublin meeting, correct?

5 A. I believe that is the case, yes.

6 Q. And that person invited people to the Dublin meeting,
7 correct?

8 A. I'm not sure who did all the inviting.

9 Q. But you do know that CHS-1 invited Mr. Croft to the
10 meeting, correct?

11 A. I'm not aware of that.

12 Q. Who is responsible for handling CHS-1?

13 A. It would be agents in Wisconsin.

14 Q. Are you aware whether CHS-1 paid for Mr. Croft's hotel
15 room?

16 A. Again, I'm not aware if he paid for the hotel rooms.

17 Q. So there's this meeting in Dublin, Ohio, where there's just
18 talk that goes on, right?

19 A. There was conversation, yes.

20 Q. There was no training. There were no weapons exercises.
21 Nothing like that, right?

22 A. That's correct.

23 Q. And you said at the end of that people went back to their
24 home states, correct?

25 A. That's correct.

1 Q. And I think you said the intent was that people would
2 recruit from their home states. True?

3 A. That's correct.

4 Q. Mr. Croft didn't bring anyone into this group from
5 Delaware, correct?

6 A. Not that I'm aware of.

7 Q. And Delaware is his home state, right?

8 A. That is correct.

9 Q. The next meeting of people that Mr. Croft was at was in
10 Cambria, Wisconsin?

11 A. I would have to look at the timeline. I just can't recall
12 if he was involved in that meeting.

13 Q. You're not aware of any other meetings until Cambria; is
14 that fair?

15 A. At this time, no.

16 Q. Okay. And that was a what you've called an FTX or field
17 training exercise, correct?

18 A. Correct.

19 Q. Where they exercise with weapons and train with weapons,
20 correct?

21 A. Correct.

22 Q. It's not criminal, right?

23 A. No, it's not.

24 Q. And there were more than the people charged in this case
25 present, correct?

1 A. That is correct.

2 Q. People brought their families to this event, correct?

3 A. Correct.

4 Q. You're not suggesting it's criminal to be at that FTX,
5 correct?

6 A. I am not.

7 Q. And that FTX was set up by someone who lives in Wisconsin?

8 A. That's correct.

9 Q. Who is a confidential human source?

10 A. Who was a confidential human source, yes.

11 Q. Okay. So the July 11 and 12 FTX was set up by someone
12 working for the government, correct?

13 A. That's correct.

14 Q. And there was funding that was necessary to pull that off,
15 right?

16 A. I'm not -- I could not speculate on the funding.

17 Q. So you don't know whether the CHS paid money to make that
18 FTX happen?

19 A. I don't know if that was stuff on his property or if it
20 was -- there was stuff that had to be done.

21 Q. You talked about what you called an improvised explosive
22 device at the Cambria FTX, right?

23 A. That's correct.

24 Q. Now, what that was was black powder, right?

25 A. Amongst other items, yes.

CROSS-EXAMINATION OF RICHARD J. TRASK, II

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1 Q. That was put in a container, right?

2 A. Correct.

3 Q. And it didn't go off?

4 A. It just produced some smoke as opposed to exploding, yes.

5 Q. Okay. So there was no explosion from this --

6 A. That's correct.

7 Q. -- IED of sorts?

8 A. That's correct.

9 Q. Okay. So it wasn't an explosive device, it was a smoking
10 device?

11 A. The failure to explode does not make it any less of an
12 explosive device.

13 Q. But to be clear, it didn't explode, right?

14 A. It did not explode.

15 Q. Okay. Now I want to direct your attention to -- you heard
16 Exhibit 7 being played?

17 A. Yes.

18 Q. And it's a discussion between Mr. Croft and -- it's an
19 excerpt of a discussion between Mr. Croft and some man,
20 correct?

21 A. That's correct.

22 Q. Is the man he's talking to -- do you know the identity of
23 that person?

24 A. I am aware, yes.

25 Q. Who is that person?

1 MR. KESSLER: Again, objection, Your Honor. That
2 person doesn't even say anything other than, "Um, yeah." I
3 just didn't want to have -- have the transcript not reflect
4 reality. But there's nothing relevant about that person's
5 identity.

6 MR. BLANCHARD: He doesn't say anything in the excerpt
7 that's presented here, but I think if it's a government
8 employee that is pushing him and pressing him, it's different.

9 THE COURT: You can ask him whether or not that person
10 worked for the government, but I don't think it's appropriate
11 at this point to identify the person.

12 MR. BLANCHARD: I was expecting an answer like CHS-1
13 or something along that line.

14 THE COURT: That's fine.

15 MR. BLANCHARD: If he knows --

16 THE COURT: I believe Mr. Kessler's objection was --
17 unless I misunderstand Mr. Kessler's objection -- would be
18 identification of the witness.

19 MR. BLANCHARD: Yeah, he said he had a pseudonym. I'm
20 sorry.

21 Q. (BY MR. BLANCHARD) Do you know was that a confidential
22 human source?

23 A. Yes, it was.

24 Q. Which one?

25 A. I believe it was 1 if I recall correctly.

1 Q. So you're thinking it was the guy from Wisconsin?

2 A. That's correct.

3 Q. And what was the date of this phone call?

4 A. This was, I believe -- if I recall correctly, it was during
5 the Cambria event.

6 Q. So it was with the guy from Wisconsin while they were in
7 Wisconsin?

8 A. Yes.

9 Q. I want to turn your attention to what I think you called
10 the Luther field training exercise. That was an event in
11 Michigan, correct?

12 A. That's correct.

13 Q. Where you say Mr. Croft was present?

14 A. That's correct.

15 Q. And you talked about an IED, right?

16 A. That's correct.

17 Q. What you're talking about is a firework, correct?

18 A. No. An IED is not a firework. There is a distinct
19 difference.

20 Q. It was a firework that was modified?

21 A. That's correct.

22 Q. Okay. And you said you talked to some neighbors who said
23 they had heard an explosion, right?

24 A. That's correct.

25 Q. And this was around September 12th, correct?

1 A. Over that weekend, yes.

2 Q. The 11th or 12th; is that right?

3 A. 12th or 13th if I recall correctly.

4 Q. There were other things blown up that weekend, correct?

5 A. I'm not aware of other things that were blown up.

6 Q. Are you aware of anyone demonstrating explosives that
7 weekend?

8 A. Aside from the explosive that Mr. Croft demonstrated, no.

9 Q. Yeah. Are you aware of a Chevrolet Suburban SUV that
10 somebody was demonstrating explosions within?

11 A. At the event?

12 Q. That weekend.

13 A. I'm not aware of that.

14 Q. Okay. Do you know where Red was that weekend?

15 A. Red, I believe, was up there at some point during the
16 weekend.

17 Q. And Red was an undercover FBI agent, correct?

18 A. That's correct.

19 Q. And so you're saying as far as you know there were no other
20 explosions the weekend of September 11th and 12th?

21 A. There were not.

22 Q. And so you don't have any reports from Red saying he
23 observed someone demonstrating det cord?

24 A. I am not aware of anything. Any reports.

25 Q. And it's that weekend that you say there was a trip up

1 to -- near the governor's lake house, correct?

2 A. That's correct.

3 Q. And this is the surveillance you talked about, right?

4 A. That's correct.

5 Q. Occurred at the nighttime?

6 A. Correct.

7 Q. Okay. And there were two cars that drove up there; is that
8 right?

9 A. Three cars total.

10 Q. Three cars. And you said Mr. Croft was in a car that had
11 Mr. Fox in it, correct?

12 A. That's correct.

13 Q. Also had Red in it, correct?

14 A. That's correct.

15 Q. And it had CHS-1 in it?

16 A. No.

17 Q. Who else was in that car?

18 A. It was just them. The three.

19 Q. You're saying there were only three people in that car?

20 A. My understanding is, yes, there were only those three.

21 Q. Who drove that vehicle?

22 A. I don't recall offhand.

23 Q. Which vehicle was Mr. Croft in? What kind of vehicle was
24 it?

25 A. I don't have that information. I'm sorry.

1 MR. KESSLER: Again, I don't understand what the
2 relevance of any of this is to detention other than just trying
3 to create a transcript he can use to cross-examine the witness
4 later or something. That's kind of a waste of everybody's
5 time.

6 THE COURT: Can you clarify that, Mr. Blanchard?

7 MR. BLANCHARD: Again, I'll ask some more questions,
8 but it's about, you know, the government is driving this,
9 right? And so that's why I was asking who drove.

10 Q. (BY MR. BLANCHARD) Was Red? Do you know was Red driving?

11 A. I can't speculate at this time. I don't remember.

12 Q. So we talked about Confidential Human Source 1 organized
13 the Cambria event. Who organized the Luther event?

14 A. That would have been a combination of individuals, but it
15 was Ty Garbin's property.

16 Q. It was Ty Garbin's property, and who invited Mr. Croft?

17 A. I don't know who specifically invited Mr. Croft.

18 Q. How was Mr. Croft invited?

19 A. Again, I don't know specifically how Mr. Croft was invited
20 or who invited him.

21 Q. Well, you guys were recording phone calls, right?

22 A. That's correct.

23 Q. You were doing surveillance on these people, right?

24 A. That's correct.

25 Q. And you're saying you just don't have any idea how it was

1 that Mr. Croft was invited?

2 A. There are thousands of hours of audio and video that we are
3 going through. I have not reviewed every single audio and
4 video piece that is out there.

5 Q. I would like to turn your attention to what's been marked I
6 think --

7 MR. BLANCHARD: I don't know, did 9 come?

8 THE COURT: It did.

9 MR. BLANCHARD: Okay. Thank you.

10 Q. (BY MR. BLANCHARD) It's been marked as
11 Government's Exhibit 9. Has this already been analyzed by an
12 ATF agent?

13 A. It is at ATF currently.

14 Q. So you're saying they haven't looked at it to see if it's
15 legal?

16 A. They have to make that determination. It's not our
17 organization's policy to make that determination. So it is
18 with them currently.

19 Q. Yeah, I'm sorry, I think the mask impeded my question
20 there.

21 My question is have they made that determination yet?

22 A. It is at ATF to make that determination. We are awaiting
23 that determination.

24 Q. So are you saying they have not yet made that
25 determination?

1 A. That is what I've said now three times.

2 Q. I don't know that it is. So you're saying the
3 determination has not yet been made?

4 A. It is at ATF to make that determination. We have not
5 received that determination yet.

6 Q. So you don't have any evidence that the firearm in
7 Exhibit 9 is illegal then, correct?

8 A. Not until ATF responds back with that determination.

9 Q. Okay. And then that item that's under the barrel,
10 that's -- I think you testified it's called a 37, right?

11 A. 37 millimeter, yes.

12 Q. And those have legal purposes, right?

13 A. They are legal to have, yes.

14 Q. You can launch smoke grenades, right?

15 A. That's correct.

16 Q. When you're out playing with your guns, right?

17 A. If you choose to, yes.

18 Q. And it's not a criminal offense to possess a smoke grenade
19 launcher, correct?

20 A. Not that I'm aware of.

21 Q. Am I correct that the last event that Mr. Croft met up with
22 these people was the Luther event in September?

23 A. That is correct.

24 Q. So the last information you have of him seeing any of these
25 people in person was September 13 of 2020?

1 A. In person, yes.

2 Q. Okay. And as far as you know he's not been back to the
3 district since then, correct?

4 A. Not that I'm aware.

5 Q. And he was not a part of these encrypted wire chat
6 conversations, correct?

7 A. I would have to go back and review, but I don't believe so.

8 Q. Okay. And he wasn't part of the Threema chats, correct?

9 A. Not that I'm aware of.

10 Q. You don't have any chats between him and these other
11 gentlemen that are charged, correct?

12 A. That's incorrect. There are -- as we go through search
13 warrant stuff, there are messages and communications that are
14 coming up that are being reviewed.

15 Q. Now, you have undercover agents speak to Mr. Croft on the
16 phone after September 13th, correct?

17 A. I believe so, yes.

18 Q. And you've listened to some of those recordings, right?

19 A. I have not.

20 Q. Have you read summaries of those recordings?

21 A. I have not. Unfortunately, I had some time off due to
22 COVID quarantine, so I was not able to access some of that
23 information.

24 Q. Now, there had been, I believe, testimony at the
25 preliminary hearings in the other cases about some of the

1 codefendants meeting up at the Vac Shack in Grand Rapids,
2 right?

3 A. That's correct.

4 Q. Mr. Croft wasn't present for any of that, right?

5 A. Not that I'm aware of.

6 MR. BLANCHARD: One moment, Your Honor.

7 I'll pass the witness Your Honor.

8 THE COURT: All right. Any redirect?

9 MR. KESSLER: Just very briefly.

10 REDIRECT EXAMINATION

11 BY MR. KESSLER:

12 Q. Agent Trask, you heard -- you were asked some questions
13 about whether the government paid for travel or hotel rooms,
14 et cetera. Are you aware of anybody working for the government
15 making this defendant say he wanted to kill people?

16 A. I am not.

17 Q. Are you aware of anybody from the government making this
18 defendant say he wanted to snatch Governor Whitmer?

19 A. I am not.

20 Q. And are you aware of anybody making him bring a bomb and
21 set it off in Luther?

22 A. I am not.

23 MR. KESSLER: I have nothing further, Your Honor.

24 THE COURT: Anything further, Mr. Blanchard?

25 MR. BLANCHARD: No, Your Honor. Thank you.

1 *THE COURT:* Any further proofs, Mr. Kessler?

2 *MR. KESSLER:* No, Your Honor.

3 *THE COURT:* Special Agent Trask, you may step down.

4 *THE WITNESS:* Thank you.

5 *MR. KESSLER:* Nothing further, Your Honor.

6 *THE COURT:* All right. Mr. Blanchard, anything from
7 your side?

8 *MR. BLANCHARD:* No, I don't have any testimony. Just
9 by way of proffer I would say that Mr. Croft was a resident of
10 Delaware, has been for a long time. He was gainfully employed
11 when he was arrested. In fact, he was working when he was
12 arrested. I mean, I think the Court is aware of the Pretrial
13 Services Report. He has an old criminal history.

14 *THE COURT:* The Pretrial Services Report is certainly
15 in evidence.

16 *MR. BLANCHARD:* Yeah. And so he has an old criminal
17 history, but he has been compliant recently. The District of
18 Delaware referenced these failures to appear. And I think the
19 age and the fact that they were for payment largely I don't
20 think carry much weight here, and so I would just incorporate
21 those by proffer. And I'm happy to argue whenever the Court
22 wants.

23 *THE COURT:* All right, Mr. Kessler, I'll let you argue
24 first since you have the burden.

25 *MR. KESSLER:* Are you ready for argument from me,

1 Your Honor? I'm sorry.

2 *THE COURT:* Yes. Yes.

3 *MR. KESSLER:* Yeah. You know, as far as the old
4 criminal history, I understand some of it was -- is old. Not
5 all of it is. And whether he's cleared up his bench
6 warrants -- I noticed they use the word *capias*, which I guess
7 they use in some other states -- but whether he's cleared up
8 some bench warrants doesn't change the fact that he had seven
9 bench warrants out for him. He has a citation for civil
10 contempt of court. An outstanding probation violation for a
11 marijuana conviction. Again, the marijuana is not a big deal.
12 It's this history of not doing what the court tells him, and
13 he's in here trying to say that he's going to abide by the
14 Court's orders. I think that goes to whether he's a flight
15 risk.

16 The biggest thing as to flight risk, though, is the
17 seriousness of the offense. There is no question that this is
18 a very serious offense here. We heard him talking about
19 wanting to kill people. I mean, it -- I've got say that just
20 listening to the evidence we heard here today I'm sure
21 Mr. Croft has in his head that a conviction is very likely in
22 this case, and I'm sure he knows that -- he knows just from
23 being told that life is the maximum sentence, I'm sure he has
24 in his head that a life sentence is very likely for him, which
25 gives him a lot of motivation to flee. It's not like somebody

1 who, you know, might be looking at probation or a year or two
2 who maybe, you know, can take the risk of doing that time.

3 I think when you put that together with what we heard
4 him saying in his recordings, we know that his attitude is not
5 to just go down and take the sentence. He said on that -- on
6 one of those recordings from Dublin, "I have very little time
7 left before they scoop me up, and I don't intend to go out like
8 that. You can tell my boss that I'm not coming back and he can
9 have a funeral for me." Which I think tells you that if he's
10 released, he is not showing up for court. He would plan to
11 just keep running because that's what he's said.

12 As far as danger, I think it's pretty clear from what
13 the Court has heard, both as to the other defendants and what
14 we've heard here, this is probably the most committed violent
15 extremist of the entire group. He's -- they all were committed
16 to doing the offense, but this is the one who has the
17 Three Percenters logo tattooed on his hand, who has held
18 himself out as a national leader of the Three Percenters group.
19 There is no question that this is a person who is committed to
20 violent extremism and he's the one who brought the bombs. I
21 think that's the biggest point of all of it. You know, of all
22 the people who got together here, this is the guy who always
23 put together the bombs and tried to blow them up and he was
24 successful. And these were not fireworks as counsel was
25 talking about. It might have started that way. But you put

1 shrapnel on a piece of fireworks and surround it with human
2 silhouette targets because you want to see how effectively you
3 can kill people. And he said that in the recording, that he
4 wanted to kill people and he would do it if necessary. So I
5 think given his own words and all the other evidence we've
6 heard, there is no way we could let him out on bond,
7 Your Honor.

8 *THE COURT:* Mr. Blanchard.

9 *MR. BLANCHARD:* Thank you, Your Honor. As best as I
10 can tell this isn't a presumption case, and so I think the
11 presumption is that my client is innocent and so we need to
12 look at the factors. And I think there are conditions or
13 combination of conditions that can both assure Mr. Croft's
14 appearance and the safety of the public. You put him on a GPS
15 tether and put him in a halfway house.

16 He -- the -- you know, the *capias* we talk about, they
17 are from nonpayment of fines. I think there's one for failing
18 to appear, but he's there the next day and the judge there, as
19 I recall, fines him and that's it. And so it's -- these aren't
20 like he's got a history of running.

21 And we have the statements they attribute over in
22 Dublin. I mean, it's big talk for sure, but everyone at that
23 event was talking big and there was no action taken. And there
24 weren't people at that group -- they weren't making a specific
25 plan. They weren't talking about specifics. And there largely

1 were people from this group. They were people generally airing
2 grievances. I don't think that's enough when you consider the
3 presumption of innocence that I think is baked into the Bail
4 Reform Act. And the fact that this isn't a presumption case, I
5 think he ought to be released on conditions.

6 *THE COURT:* You have the burden, Mr. Kessler. Any
7 rebuttal?

8 *MR. KESSLER:* No, just that it wasn't just big talk
9 about being disgruntled with the government. I think -- I
10 won't belabor the point, but he said he wanted to snatch the
11 governor and he was willing to kill people to do it. That goes
12 beyond saying "I'm unhappy with the government."

13 *THE COURT:* All right. Thank you to both attorneys.
14 This matter is governed by the Bail Reform Act of 1984, and
15 under the Bail Reform Act I have to release the defendant on
16 bond unless I find either by a preponderance of the evidence
17 that you are a risk of flight or nonappearance or by clear and
18 convincing evidence that you are a danger to the community. I
19 am required to consider the least-restrictive condition or
20 combination of conditions that will reasonably assure the
21 defendant's appearance and protect the community, and I have
22 considered each of the possible conditions set out in the
23 statute, including those mentioned by counsel which are the GPS
24 tether and halfway house placement.

25 This is not to my knowledge a presumption case. In

1 determining whether there are sufficient conditions to
2 reasonably assure your appearance and to protect the community
3 I am required to consider a number of factors. Those include
4 the nature and circumstances of the offense charged. They
5 include whether it's a crime of violence. It's not -- I don't
6 know actually whether or not technically under which definition
7 of crime of violence, one of the many crime of violence
8 definitions that are found within the United States Code,
9 whether or not this is a crime of violence under some specific
10 definition. Certainly a conspiracy to commit kidnapping is a
11 potentially violent offense.

12 I'm also required to consider the weight of the
13 evidence. The Sixth Circuit has held that that is the weight
14 of the evidence of dangerousness not of the actual offense that
15 is charged. And, of course, you are cloaked in the presumption
16 of innocence as to the offense charged. However, in this case
17 the weight of the evidence related to dangerousness overlaps
18 essentially a hundred percent with the weight of the evidence
19 of the offense charged.

20 I'm also to consider the history and characteristics
21 of the defendant and the nature and seriousness of the danger
22 to any person or the community that would be posed by
23 Mr. Croft's release.

24 Here we have a 45-year-old man. Before he was
25 arrested he had a stable residence and stable employment in

1 Delaware. He has, as I understand it, three minor children who
2 lived with him at the time. He stated he does not have a
3 passport, has never traveled outside the United States. He has
4 at least a high school diploma and possibly some community
5 college or trade school coursework. Good physical health. No
6 documentation of a mental health condition.

7 As to substance abuse, he admitted to being a regular
8 marijuana user but no recent use of any other controlled
9 substance. He did deny to the Pretrial Services officer
10 membership in a militia group, which appears to be controverted
11 by some of the evidence that was introduced today.

12 That brings us to his criminal history. He has 15
13 arrests, which is a substantial number, of course, but only two
14 of those occurred within the last 10 years. Some of the older
15 criminal convictions are serious, including multiple counts of
16 receiving stolen property, an assault charge, multiple counts
17 of burglary, possession of a firearm during the commission of a
18 felony. That last offense involved reports of Mr. Croft firing
19 either a handgun or a pellet gun at another person.

20 In April of 2019 he appears to have received a pardon
21 for a number of prior offenses. The reasons for that pardon
22 are not known to the Court, haven't been discussed today.

23 Mr. Kessler is correct that particularly the earlier
24 charges are accompanied by numerous probation violations and
25 failures to appear. Some of those relate to payment, but some

1 of them appear to be simply failures to appear.

2 There are also three civil contempt charges in the
3 record. Although the most recent of those I believe was 1995.
4 I'm sorry, 2005. In 2018 he was convicted of being a felon in
5 possession of a firearm. Later that charge was amended to
6 carrying a concealed deadly weapon. In 2019 he pled guilty to
7 a drug paraphernalia charge. The Pretrial Services Report
8 notes an outstanding probation violation warrant. The nature
9 of that probation violation is not noted. It's possible that
10 it's the instant conduct that it relates to, but I don't have
11 any information one way or the other on that.

12 The pretrial services officer in Delaware who assessed
13 Mr. Croft recommended detention both as a risk of nonappearance
14 and as a danger to the community. Notably that determination,
15 the pretrial services officer's determination, can't consider
16 the nature of the instant offense which is the primary evidence
17 of dangerousness to the community in this case.

18 Mr. Charge is -- Mr. Croft is charged with obviously a
19 very serious offense, conspiring to kidnap the governor of the
20 State of Michigan. It's alleged that he met with Mr. Fox, a
21 coconspirator, on June 6th in Dublin, Ohio. There's been
22 testimony regarding the discussion of antigovernment actions
23 including the kidnapping of state governors. The defense
24 argues that that is simply a matter of big talk. The
25 recordings, though, that the government has introduced are

1 chilling. They discuss very violent actions directed toward
2 both targets, people to be kidnapped but also toward law
3 enforcement officers either who protect those individuals or
4 who might respond to a kidnapping.

5 Around July 10 through 12 Mr. Croft is alleged to have
6 traveled from Delaware to Wisconsin to attend a field training
7 exercise with several alleged coconspirators. At that meeting
8 the group practiced combat tactics, including assaulting motor
9 vehicles with semiautomatic assault rifles and live ammunition.
10 None of that is by itself illegal. And Mr. Blanchard makes
11 some argument that at least some of this was organized by
12 individuals who ultimately were working for the government.
13 That said, again the statements that Mr. Croft makes in the
14 recordings do not -- are not something that could be attributed
15 to another individual. Those appear to be statements of his
16 own volition, and as I said, they are chilling.

17 At that field training exercise Mr. Croft attempted to
18 detonate two improvised explosive devices. It is not clear to
19 the Court exactly how sophisticated those devices are, but what
20 is relevant is that Mr. Croft appears to have been trying to
21 use explosive devices or develop them for the field training
22 exercise on September 12th and 13th. And it's from that
23 exercise that Mr. Croft is alleged to have participated in the
24 nighttime surveillance of Governor Whitmer's vacation home.

25 On the way to that surveillance, as Special Agent

1 Trask testified, those two individuals are alleged to have
2 stopped to inspect the underside of a highway bridge near that
3 vacation home as a possible location to mount an explosive
4 charge, which again was discussed to be designed to impede law
5 enforcement's response to the kidnapping of the governor.

6 And then on September 13 at that field training
7 exercise there is another improvised explosive device that
8 apparently contained shrapnel. Again, it's not clear to me
9 what the level of sophistication is of that device. It may
10 have been a modified firework as was discussed today. But the
11 fact that Mr. Croft is working toward developing such a device
12 is relevant to the Court's determination of dangerousness.

13 The transcripts provided by the government are not
14 evidence themselves, but they are helpful to the Court just in
15 recalling what was said during the recordings. I did not note
16 any differences in my perception of the recordings from what
17 was set out in the transcript. And Mr. Croft says things in
18 these transcripts like "I'm going to hurt people. I'm going to
19 hurt people real fucking bad." And "I'm going to burn
20 motherfucking houses down and blow shit up. I'm going to do
21 some of the most nasty, disgusting things that you have ever
22 read about in the history of your life." That's from
23 Exhibit 3. I'm not going to read all of these, but he talks
24 about leveling buildings. He talks about burning people's
25 houses down with them inside it. And terrorizing people. And

1 he talks about specific plans to cause distractions and
2 simultaneously plan other -- plan multiple operations at once
3 or multiple targets at once so that -- to distract law
4 enforcement from his team standing by to grab a fucking
5 governor. And all of those are relevant to and persuasive to
6 the Court in terms of that being evidence of Mr. Croft's
7 dangerousness to the community.

8 Mr. Kessler makes an argument about the seriousness of
9 the offense being relevant to the risk of flight. I don't know
10 whether a conviction is likely or what Mr. Croft's sentence
11 will be. And as I said, Mr. Croft is cloaked in the
12 presumption of innocence. What is relevant about the
13 seriousness of the offense coupled with the evidence relating
14 to opposition to police officers is that that evidence
15 demonstrates the potential for opposition to law enforcement
16 who would be tasked with Mr. Croft's supervision or potential
17 arrest.

18 So moving on to the two bases that the government has
19 noted for detention. As to the risk of nonappearance, I would
20 normally give Mr. Croft's history of failure to appear and to
21 comply with court orders limited weight due to their age.
22 Likewise, his residence outside the district while a factor is
23 certainly not dispositive. He has a stable residence and
24 employment and that favors release. But as I noted just a
25 minute ago, his history of noncompliance with court orders

1 paired with the seriousness of the offense and its
2 antigovernment nature and his anti-law enforcement rhetoric
3 leads me to find by a preponderance of the evidence that
4 there's no condition or combination of conditions that would
5 secure his appearance as required.

6 Mr. Blanchard argues for a tether and halfway house.
7 Tethers are fairly easily removed, and halfway house placement
8 is not undefeatable. It is easy to leave the halfway house for
9 the most part. So I don't believe that those conditions or the
10 combination of them is sufficient.

11 While I believe the government has satisfied its
12 burden on the risk of nonappearance, the Court's primary
13 concern here, though, is the danger to the community. And I do
14 find by clear and convincing evidence that Mr. Croft is a
15 danger to the community. That danger is three-fold. The
16 danger -- the defendant is dangerous because of the cause with
17 which he associated himself. One might argue that now that the
18 plot against the governor has been foiled there's no further
19 danger, but that one plot has been uncovered does not mean that
20 there are not other aims toward which Mr. Croft would not
21 direct his intentions and his explosives craft. In other
22 words, just because law enforcement was able to disrupt the
23 alleged plot against the governor does not mean that
24 Mr. Croft's interests in violent overthrow of leaders he views
25 as despotic has ended. And as I said before, a tether is

1 simply not a sufficient impediment to reasonably assure the
2 safety of the community. The defendant's release would also
3 pose a specific danger to the witnesses and informants in this
4 case, and I do not believe that an order short of detention
5 would reasonably assure their safety.

6 Finally, the Court notes that the allegations -- as
7 I've said before, the allegations regarding this conspiracy and
8 the evidence introduced today are replete with discussion of
9 violence toward law enforcement officers. For instance, here
10 the use of a bomb to blow up a bridge was specifically for the
11 purpose of impeding a law enforcement response to the proposed
12 kidnapping. In addition, the various calls that were
13 recorded -- or not calls -- the various recordings that were
14 made discuss violence toward law enforcement officers. So all
15 of those facts support the conclusion that there is no
16 condition or combination of conditions that would assure the
17 safety of the community.

18 So I am going to order, Mr. Croft, that you be
19 detained pending the trial in this case. You will continue to
20 be held in the custody of the United States Marshal Service in
21 Newaygo County, at least for the moment.

22 I'm sure you don't agree with my decision. Do you
23 understand everything that happened in court today?

24 *THE DEFENDANT:* Yes, ma'am.

25 *THE COURT:* All right. Anything else, Counsel, that

1 we need to take up?

2 MR. KESSLER: No, Your Honor. Thank you.

3 THE COURT: Mr. Blanchard?

4 MR. BLANCHARD: Not today. Thank you.

5 THE COURT: All right. We'll be adjourned.

6 THE CLERK: All rise, please. Court is adjourned.

7 *(Proceeding adjourned at 5:23 p.m.)*

8 * * * * *

9 CERTIFICATE

10 I certify that the foregoing is a transcript from the
11 Liberty Court Recording System digital recording of the
12 proceedings in the above-entitled matter, transcribed to the
13 best of my ability.

14 I further certify that the transcript fees and format
15 comply with those prescribed by the court and the Judicial
16 Conference of the United States.

17
18 February 1, 2021

19
20 /s/ Glenda Trexler
21 Glenda Trexler, CSR-1436, RPR, CRR
22
23
24
25

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